



CITY OF HAYWARD AGENDA REPORT

Meeting Date 07/20/06
Agenda Item 2

To: Planning Commission

From: Tim R. Koonze, Assistant Planner

Subject: **Tentative Parcel Map 9129 / Variance Application No. PL-2006- 0218**
Nora Gauthier (Applicant/Owner) – Request to Subdivide a Lot into Two Single-Family Residential Parcels and for a Variance for Lot Depth

The Project Is Located at 2133 Boca Raton Street in a Single-Family Residential Zoning District

RECOMMENDATION:

That the Planning Commission deny the tentative parcel map and the variance.

DISCUSSION:

The 10,620 square-foot property is triangular in shape and is relatively flat. The property is located within an established single-family neighborhood of predominately single-story homes. To the north, abutting the rear property line is the PG&E right-of-way that makes up the Eden Greenway. The single-family home and shed are to remain, however the sheds need to be relocated to meet proper setbacks. All trees on the site are to remain.

The owner proposes to create a second parcel that would accommodate an additional single-family home. Parcel 1, for the additional home, would be a 5,620 square-foot triangular shaped lot. Parcel 2, with the existing home, would be a 5,000 square-foot trapezoidal lot; the minimum lot size in the zoning district is 5,000 square feet. The zoning district also requires a minimum lot depth of 80 feet to provide 20-foot front and rear setbacks and an adequate building area.

Variance

The owner is requesting a variance to reduce the lot depth to 67.65 feet, at the deepest portion of the lot, and less, as the lot depth decreases as it gets closer to the point of the triangle. At the west end of the proposed building area, the lot would be only 40 feet deep.

The triangular shape of the lot and the reduced lot depth would create two concerns: a limited amount of usable open space and a small odd-shaped developable area.

Much of Parcel 1 would be encumbered by required setback areas, including 2,820 square feet for the front yard and 1,462 square feet for the side and rear yards leaving a 1,338-square-foot triangular building area. The proposed dwelling would have a maximum building depth of 28 feet which would narrow to 9.75 feet. The limited building depth and triangular shape would result in creating a building with small rooms and an unusual floor plan.

In order to create a minimally adequate building area, the rear yard would be reduced to 10 feet. The Zoning Ordinance allows the Planning Director to reduce setbacks without a variance when the property is adjacent to a non-buildable public use area, such as the Eden Greenway. However, the modified 10-foot rear yard would not provide for an adequate private yard for Parcel 1. Although a total of 1,100 square-feet is proposed, the 10 foot width and the odd shape would not provide a usable rear yard consistent with those in the neighborhood. According to City records and aerials there are no other properties in the neighborhood that have such rear yards reductions.

Without a subdivision, the zoning district allows two homes to be constructed on one lot when there is already a home on the property and there is a minimum of 5,000 square feet for each unit. However, both homes would have to be sold together. When two homes are constructed on a single parcel, the yards can be shared or manipulated to create larger more usable areas. The creation of the lot lines generates yards which would have limited usability. The 10,620-square-foot lot is of a sufficient size to accommodate two homes.

Building Design

A proposed house design was provided to show how a house could fit on the lot. The proposed building design is not a part of this application and would be reviewed at a later date. The architectural design of the house would be important as all elevations would be highly visible from the street and parkway.

Environmental Review

The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to section 15270 (a), Projects Which are Disapproved.

Public Hearing Notice

A meeting was held with City staff, concerned neighbors and the owner on June 1, 2006. Four neighbors attended that meeting expressing concerns that the existing infrastructure is not capable of accommodating another structure and there is insufficient street parking in the neighborhood. There was also concern that the new parcel would not provide enough usable private area for a family. There was a general consensus that subdividing the parcel and trying to fit two two-story homes on the lot would not conform to the surrounding predominantly single-story neighborhood. It was also expressed that the original developer would have constructed a second home on the parcel if the lot was of sufficient size and

shape to accommodate two units.

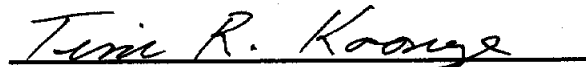
The neighbors presented a petition signed by 27 concerned citizens against the subdivision of the property. The owner also submitted a petition signed by 14 citizens in favor of the subdivision. It should be noted that 6 people signed both petitions.

On June 11, 2006 staff received an letter from the Southgate Area Homeowners Association stating that the lot was of an inappropriate shape to be subdivided. If the lot was suitable to be further subdivided the original developer would have done so.

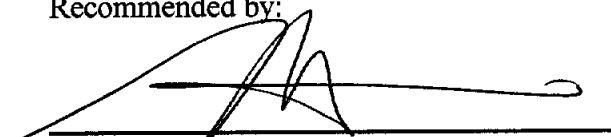
Conclusion

Staff does not support the lot depth variance request. The narrow depth of Parcel 1, along with the irregular triangular shape of the lot, creates a parcel that does not provide an adequate usable rear yard as typical in the neighborhood. Staff believes that granting this variance would constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.

Prepared by:


Tim R. Koonze
Assistant Planner

Recommended by:


Richard Patenaude, AICP
Principal Planner

Attachments:

- A. Area Map
 - B. Findings for Denial
 - C. Letter From Southgate Area Homeowners Association
 - D. Neighborhood Petition in Support of the Application
 - E. Neighborhood Petition Requesting Denial of the Application
- Tentative Parcel Map 9129



Area & Zoning Map

PL-2006-0218 VAR

Address: 2133 Boca Raton Street

Applicant: Gauthier Nora

Owner: Gauthier Nora

Zoning Classifications

RESIDENTIAL

RM Medium Density Residential, min. lot size 2500 sqft

RS Single Family Residential, min. lot size 5000 sqft

COMMERCIAL

CN Neighborhood Commercial



FEET 50 100

**TENTATIVE PARCEL MAP 9129
VARIANCE APPLICATION 2006- 0218
NORA GAUTHIER (APPLICANT/OWNER)
2133 BOCA RATON STREET**

FINDINGS FOR DENIAL

- A. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), Projects Which are Disapproved.
- B. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that other properties have not been allowed to have reduced lot depths that create an inadequate usable space for a single-family home.
- C. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the Single-Family Residential (RS) District in which the property is situated in that other properties have not been granted a similar variance that affects the ability to create a usable private area.

S O U T H G A T E

AREA HOMEOWNERS ASSOCIATION

June 11, 2006

Mr. Tim Koonze
City of Hayward
Planning Division
777 B Street
Hayward, CA 94541

Re: PL-2006-0218 VAR and PL-2006-0219 PM

The Southgate Area Homeowners Association has discussed the proposed subdivision of the parcel at 2133 Boca Raton Street.

Members are not in support of the subdivision. The association believes that the parcel while relatively flat, has a long narrow shape adjacent to the PG&E transmission line is not an appropriate shape to allow for use as two separate lots.

These are all factors that led the original developer to not create an additional home here. If the proposed lot was suitable we are certain that it would have been created during the original subdivision process.

We appreciate your department keeping the association informed of applications in the neighborhood. We are always happy to offer suggestions.

Thank you,

The Southgate Area Homeowners Association Board

Paul & Nora Gauthier
2133 & 2137 Boca Raton Street

City of Hayward

Home Owner from Boca Raton are 100% in agreement to see that the piece of property at 2133 & 2137 Boca Raton is developed for two separate owners.

Boca Raton
2127 ~~Paul~~
2026 Boca Raton

2002 Boca Raton St

26894 Boca Raton Ct

26887 Boca Raton Ct.

2118 Boca Raton St

2158 Boca Raton St

2117 Boca Raton

1930 Boca Raton

1965 Boca Raton St

2098 Boca Raton St

2098 Boca Raton

2050 Boca Raton St

2050 Boca Raton St

2013 Boca Raton St

" ~~Paul~~

" ~~Paul~~

" ~~Paul~~

" ~~Paul~~

" ~~Paul~~

" ~~Paul~~

" ~~Paul~~

" ~~Paul~~

" ~~Paul~~

" Tess Santos

" B.B. Gutierrez

" S. Lacey Suzanne Lacey

" ~~Paul~~

" ~~Paul~~

Concerned Residences of a Single Family Residential Zoning District

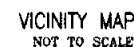
The property at 2133 Boca Raton Street near the corner of Contessa St. in a Single-Family Residential Zoning District has requested to subdivide a lot into two single-family parcels and for a variance for the lot depth. We the under signed are against this sub division because it would set a presidency to sub divide other parcels similar to this one. It would create more traffic to an already congested area.

Name	Address	Telephone #
1. Jennifer Hendrix	25618 Kay Ave	(510) 785-8038
2. Elizabeth Gonzalez	2136 Boca Raton St	(510) 783-7128
3. [Signature]	26754 Contessa St	(561) 209-4459
4. Wandra Williams	2158 Boca Raton St	510 786 1013
5. Rolando Gonzalez	2158 Boca Raton St	(510) 786-1013
6. [Signature]	2001 Steep Hill Dr	264-9802
7. Mary K. Cole	2134 Boca Raton St.	783-1224
8. [Signature]	2118 Boca Raton	780-0355
9. Teresita Santos	2096 Boca Raton	266-0739
10. Nicaron Santos	" "	266-0739
11. Bonifacio Contreras	" "	266-0739
12. Mary Albrecht	2050 Boca Raton St.	783-7484
13. Sandra Albrecht	2050 Boca Raton St.	783-7484
14. Virginia Lewis	2062 Boca Raton St.	887-6949
15. Ann R. Cullen	2126 Boca Raton St.	732-5510
16. Shanne Lacey	2050 Boca Raton St Hayward	887-2640
17. Lilia Lopez	2002 Chiplay Ct Hayward	315-8606

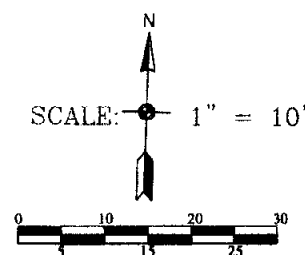
Concerned Residences of a Single Family Residential Zoning District

The property at 2133 Boca Raton Street near the corner of Contessa St. in a Single-Family Residential Zoning District has requested to subdivide a lot into two single-family parcels and for a variance for the lot depth. We the under signed are against this sub division because it would set a presidency to sub divide other parcels similar to this one. It would create more traffic to an already congested area.

Name	Address	Telephone #
18 Denise Gonzalez	2136 Boca Pata (661) 565-7044	
19 M. Hume	2617 BUCARATA (510) 455-0800	
20 Shelia P. Green	2110 Boca Raton Sh.	
21 Maria Morales	26894 Boca Raton CT.	
22 Paul Vally	26887 Boca Raton Ct (510) 782-0351	
23 Melina Gentry	26887 Boca Raton Ct. (510) 782-0351	
24. Val N. N. N.	20704 Boca Raton ST CA (510) 784-8959	
25. Val N. N. N.	20704 Boca Raton ST CA (510) 784-8959	
26. Val N. N. N.	2000 Sleepy Hollow Ave (510) 732-1887	
27 David Morales SR.	2000 Sleepy Hollow Ave. (510) 732-1887	
28.		
29.		
30.		

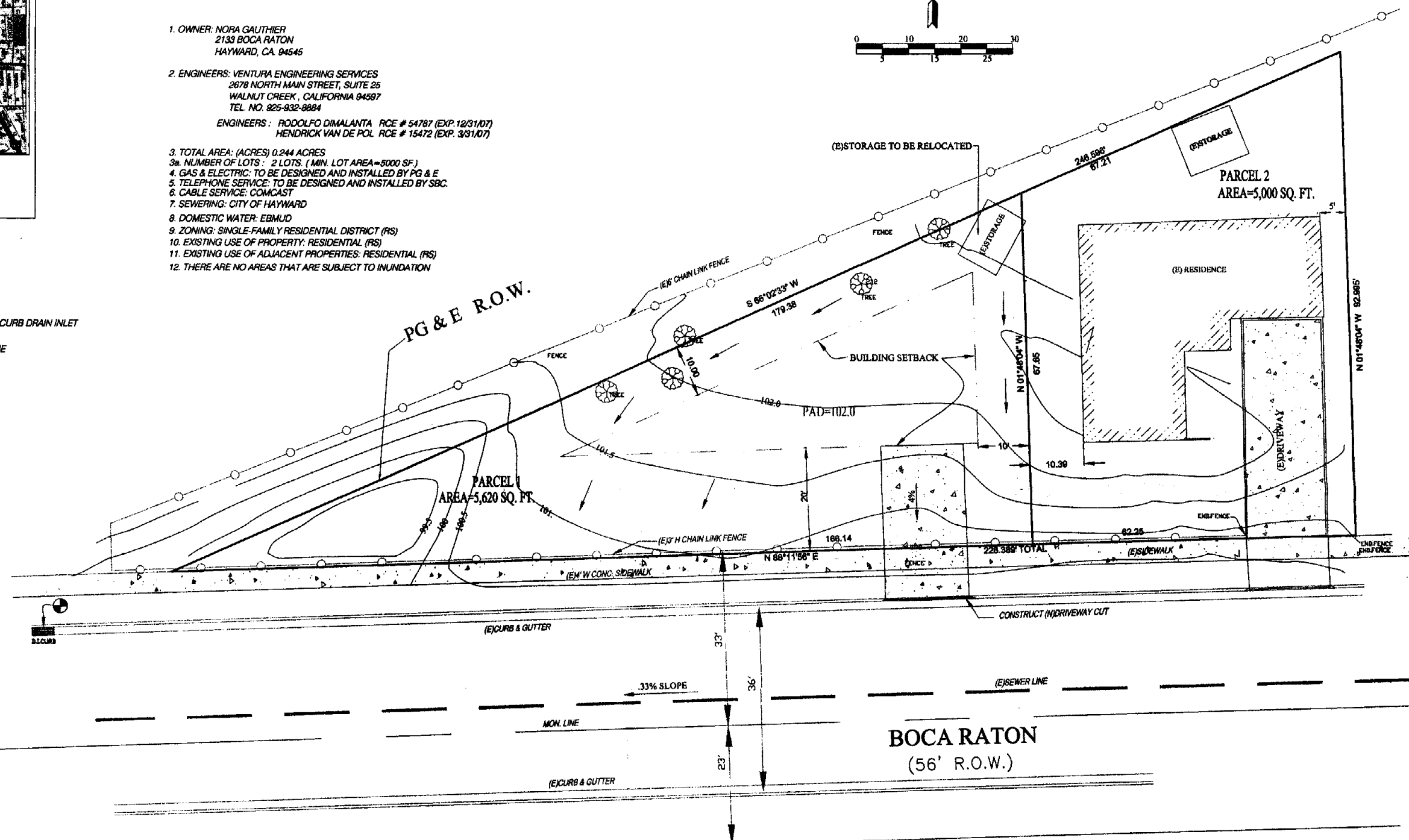


1. OWNER: NORA GAUTHIER
2133 BOCA RATON
HAYWARD, CA. 94545
2. ENGINEERS: VENTURA ENGINEERING SERVICES
2678 NORTH MAIN STREET, SUITE 25
WALNUT CREEK, CALIFORNIA 94597
TEL. NO. 925-932-8884
- ENGINEERS: RODOLFO DIMALANTA RCE # 54787 (EXP. 12/31/07)
HENDRICK VAN DE POL RCE # 15472 (EXP. 3/31/07)
3. TOTAL AREA: (ACRES) 0.244 ACRES
3a. NUMBER OF LOTS: 2 LOTS. (MIN. LOT AREA=5000 SF.)
4. GAS & ELECTRIC: TO BE DESIGNED AND INSTALLED BY PG & E
5. TELEPHONE SERVICE: TO BE DESIGNED AND INSTALLED BY SBC.
6. CABLE SERVICE: COMCAST
7. SEWERING: CITY OF HAYWARD
8. DOMESTIC WATER: EBMUD
9. ZONING: SINGLE-FAMILY RESIDENTIAL DISTRICT (RS)
10. EXISTING USE OF PROPERTY: RESIDENTIAL (RS)
11. EXISTING USE OF ADJACENT PROPERTIES: RESIDENTIAL (RS)
12. THERE ARE NO AREAS THAT ARE SUBJECT TO INUNDATION



- PROJECT BENCHMARK
ASSUMED ELEV. 100.00 AT (E) CURB DRAIN INLET
- BOUNDARY / PROPERTY LINE
- EXISTING CONTOUR LINES
@ .5 FT. INTERVALS
- GND
TC
(E)
(N)
CONC
EL
SW
DRW
- GROUND
TOP OF CURB
EXISTING
NEW
CONCRETE
ELEVATION
SIDEWALK
DRIVE WAY

CONTESSA WAY



1, NORA GAUTHIER AGREE TO THE FILING OF SAID MAP AND
AGREE TO COMPLY WITH THE PROVISIONS OF THE CITY OF
HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT
AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

OWNER
SIGNATURE X Mora M. Sanchez

RECEIVED

MAY 04 2006

PLANNING DIVISION

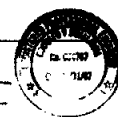
PROJECT #
PL-2006-0218 VAR
PL-2006-0219 PM

Project #
PL-2006-0218 VAR
TPM 9129

				DATE: MARCH 2006
				DESIGNED: RO
				PROJ ENGR:
NO.	REVISIONS	BY	DATE	SCALE: 1" = 10'

PREPARED BY OR UNDER
THE DIRECTION OF:

Lupinus
B.V. DIMALANT



CIVIL ENGINEERS

TEL. 925-932-8884 FAX. 925-932-7531
2678 N. MAIN STREET, STE. 25 WALNUT CREEK, CA. 94597

APN-455-0020-035

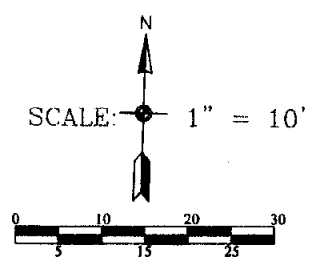
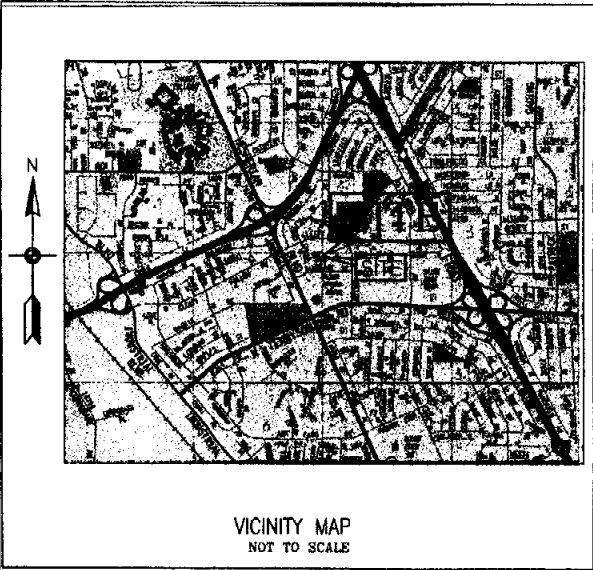
TENTATIVE PARCEL MAP

2133 & 2137 BOCA RATON ST. HAYWARD, CA.

SHEET	4
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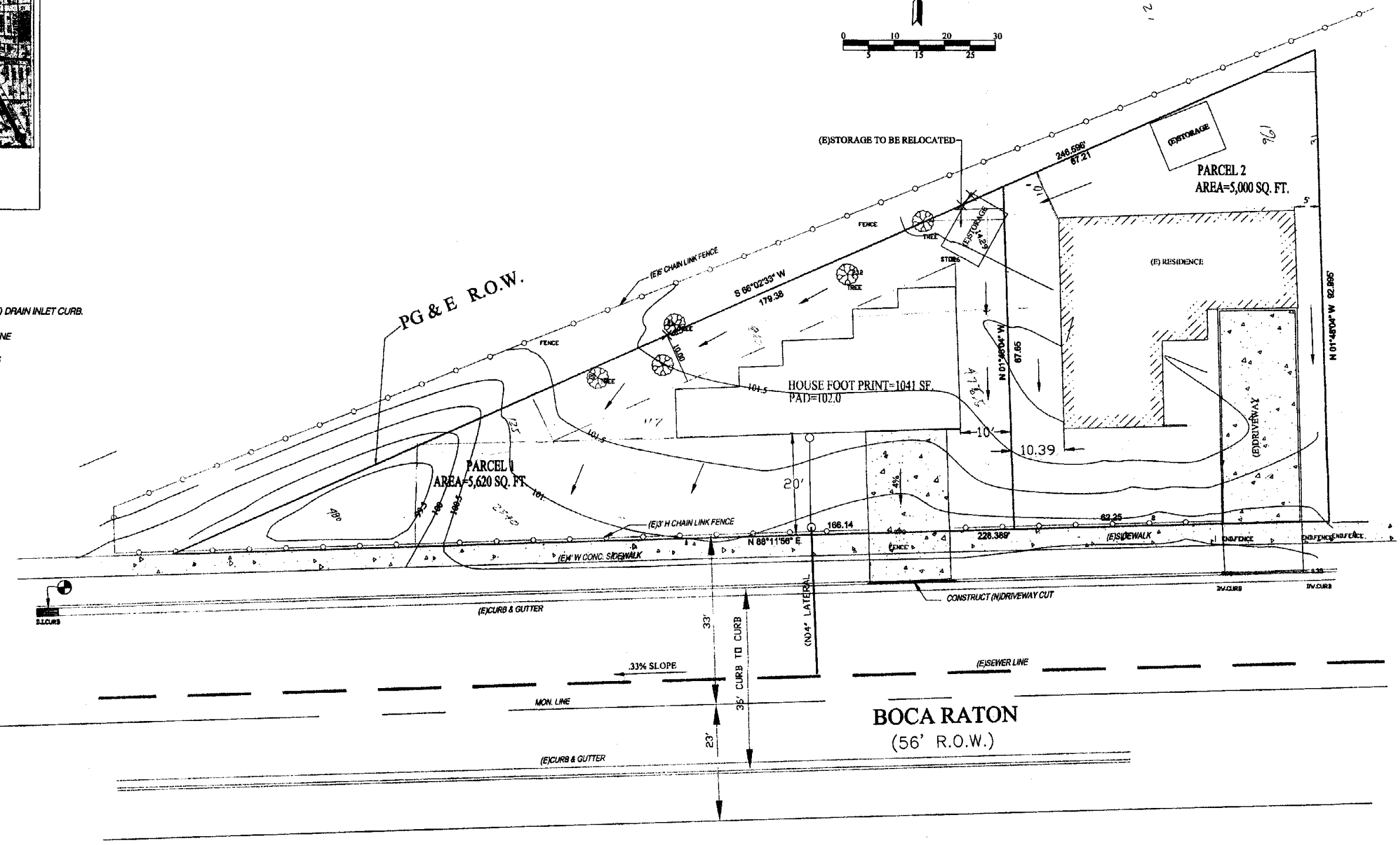
OF 1 SHEET

JOB NO. 444734



- LEGEND**
- PROJECT BENCHMARK
ASSUMED ELEV. 100.00 AT (E) DRAIN INLET CURB.
 - BOUNDARY / PROPERTY LINE
 - EXISTING CONTOUR LINES
@ .5 FT. INTERVALS
 - GND
 - TC
 - (E)
 - (N)
 - CONC
 - EL
 - SW
 - DW
 - GND
 - TC
 - (E)
 - (N)
 - CONC
 - EL
 - SW
 - DW

CONTESSA WAY



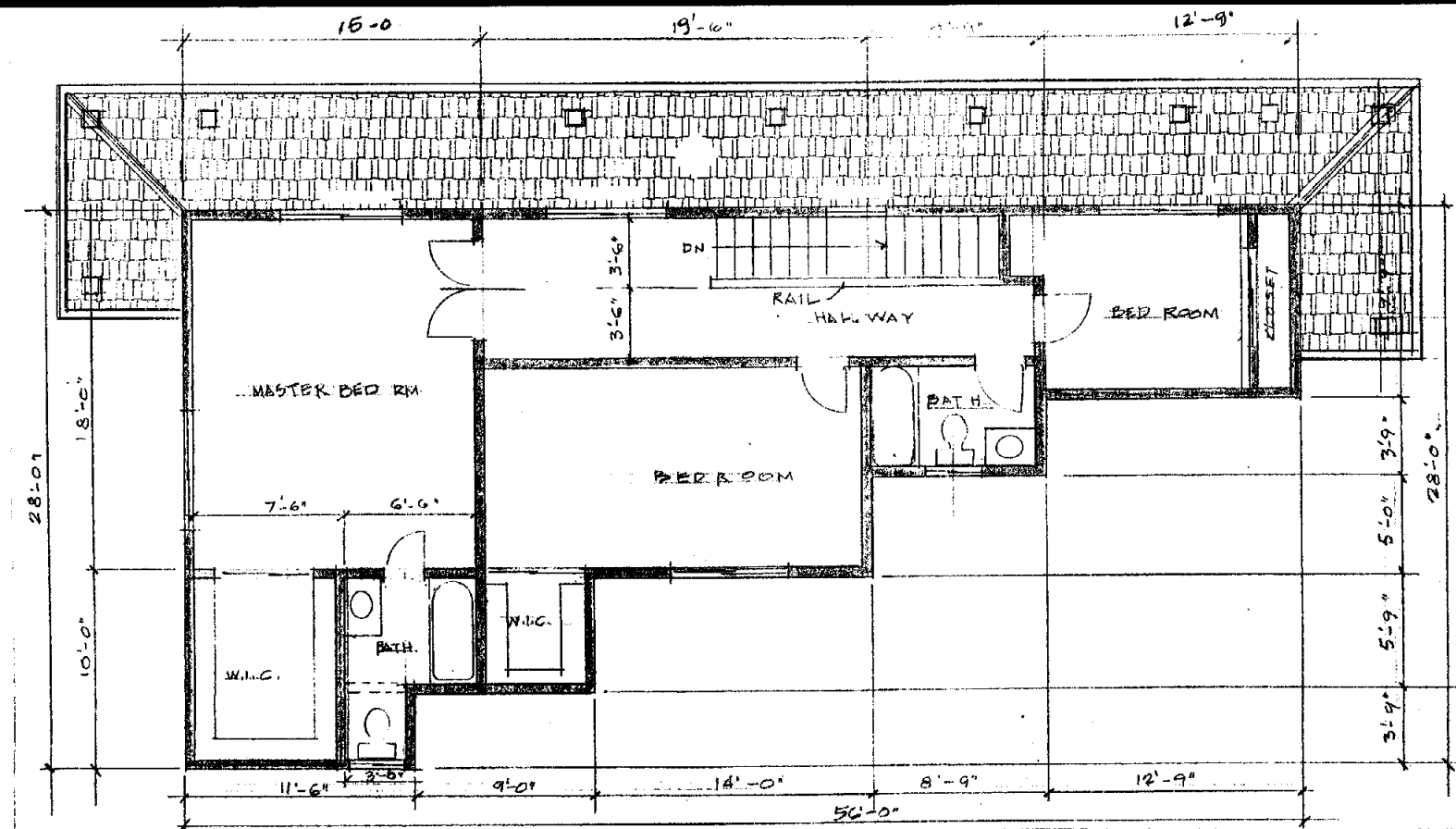
NO. _____ REVISIONS _____ BY _____ DATE _____		DATE: APRIL 2006 DESIGNED: RD PROLENGER: SCALE: 1" = 10'	PREPARED BY: R.V. DIMALANTA UNDER THE DIRECTION OF:	VENTURA ENGINEERING SERVICES CIVIL ENGINEERS TEL. 925-932-8884 FAX. 925-932-7531 2678 N. MAIN STREET, STE. 25 WALNUT CREEK, CA 94597	APN: _____	SITE PLAN 2133 & 2137 BOCA RATON ST. HAYWARD, CA.	RECEIVED MAY 04 2006 PLANNING DIVISION PROJECT # PL-2006-0218 VAR PL-2006-0219 PM	SHEET 1 OF 7 SHEETS JOB NO. 6-1017M
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PLANNING CODE DATA

ZONE DISTRICT R-
 LOT SIZE 5,620 SQ. FT.
 SETBACKS
 Allowed
 Front 20 FEET MINIMUM
 Side 5 FEET MINIMUM
 Rear 10 FEET MINIMUM

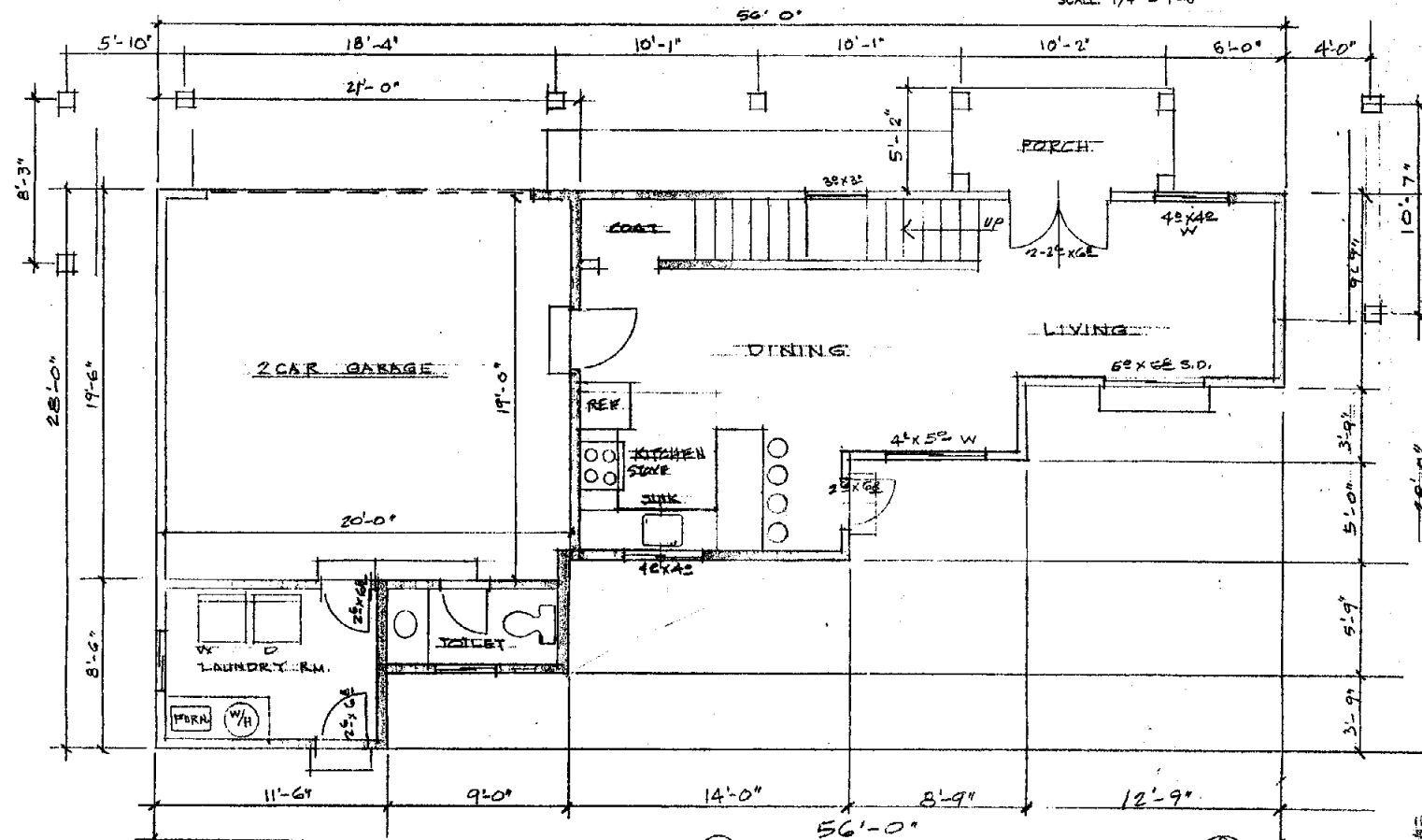
MMAXIMUM HEIGHT
 Allowed TWO STORIES
 Not to exceed 30 feet
 2 Story
 Not to exceed 30 feet
 Additional Main floor level 1,041 Sq. feet (INCLUDING GARAGE)
 Additional Second floor level 1,041 Sq. feet
 TOTAL AREA 2,082 Sq. feet

BUILDING CODE UBC1998
 OCCUPANCY GROUP R-3
 Type of Construction VN
 Exterior Siding Material 7/8" Min, Stucco
 Roofing Material Composition Shingles



B SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



A FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

REVISIONS	BY
REVISED PLAN 4/40/00	RD

TWO STORY RESIDENCE
 GAUTHIER RESIDENCE
 2133 BOCA RATON
 HAYWARD, CALIFORNIA

PROJECT:

THESE DRAWINGS ARE THE PROPERTY OF THE ENGINEER AND NOT TO BE LOANED, REPRODUCED, COPIED, OR IN ANY MANNER USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA FURNISHED TO HIM BY THE CLIENT AND FOR THE CORRECTNESS OF THE DESIGN. THE ENGINEER SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF THE DESIGN AND FOR THE COMPLETION OF THE WORK AND FOR THE PROTECTION OF THE PUBLIC INTEREST. NO CONTRACT SHALL BE ENTERED INTO BY THE ENGINEER WITHOUT HIS WRITTEN CONSENT.

FIRST FLOOR PLAN
SECOND FLOOR PLAN

DRAWN:	EAB
CHECKED:	RD
DATE	MARCH 2005
SCALE:	AS SHOWN
JOB NO.	2005-012
SHEET	A-1

OF SHEETS



